

## **FREQUENTLY ASKED QUESTIONS ABOUT DV REGISTRATION**

### **1. WHAT DOES THE TERM "NATIVE" MEAN? ARE THERE ANY SITUATIONS IN WHICH PERSONS WHO WERE NOT BORN IN A QUALIFYING COUNTRY MAY APPLY?**

"Native" ordinarily means someone born in a particular country, regardless of the individual's current country of residence or nationality. But for immigration purposes "native" can also mean someone who is entitled to be "charged" to a country other than the one in which he/she was born under the provisions of Section 202(b) of the Immigration and Nationality Act.

For example, if a principal applicant was born in a country that is not eligible for this year's DV program, he/she may claim "chargeability" to the country where his/her derivative spouse was born, but he/she will not be issued a DV-1 unless the spouse is also eligible for and issued a DV-2, and both must enter the U.S. together on the DVs. In a similar manner, a minor dependent child can be "charged" to a parent's country of birth.

Finally, any applicant born in a country ineligible for this year's DV program can be "charged" to the country of birth of either parent as long as neither parent was a resident of the ineligible country at the time of the applicant's birth. In general, people are not considered residents of a country in which they were not born or legally naturalized if they are only visiting the country temporarily or stationed in the country for business or professional reasons on behalf of a company or government.

An applicant who claims alternate chargeability must indicate such information on the application for registration.

### **2. ARE THERE ANY CHANGES OR NEW REQUIREMENTS IN THE APPLICATION PROCEDURES FOR THIS DIVERSITY VISA REGISTRATION?**

All DV-2006 lottery entries must be submitted electronically at [www.dvlottery.state.gov](http://www.dvlottery.state.gov) between Friday, November 5, 2004 and Friday, January 7, 2005. No paper entries will be accepted.

The Department of State implemented an electronic registration system for last year's lottery in order to make the Diversity Visa process more efficient and secure. The Department utilizes special technology and other means to identify applicants who commit fraud for the purposes of illegal immigration or who submit multiple entries.

The DV-2006 Diversity Immigrant Visa Program registration period will run from noon Eastern Standard Time November 5, 2004 through noon Eastern Standard Time January 7, 2005.

### **3. ARE SIGNATURES AND PHOTOGRAPHS REQUIRED FOR EACH FAMILY MEMBER, OR ONLY FOR THE PRINCIPAL APPLICANT?**

Signatures are not required on the Electronic Diversity Visa Entry Form. Recent and individual photos of the applicant, his/her spouse and all children under 21 years of age are required. Family or group photos are not accepted. Check the information on the photo requirements on page 2 of this bulletin.

### **4. WHY DO NATIVES OF CERTAIN COUNTRIES NOT QUALIFY FOR THE DIVERSITY PROGRAM?**

Diversity visas are intended to provide an immigration opportunity for persons from countries other than the countries that send large numbers of immigrants to the U.S. The law states that no diversity visas shall be provided for natives of "high admission" countries. The law defines this to mean countries from which a total of 50,000 persons in the Family-Sponsored and Employment-

Based visa categories immigrated to the United States during the previous five years. Each year, the U.S. Citizenship and Immigration Services (USCIS) adds the family and employment immigrant admission figures for the previous five years in order to identify the countries whose natives must be excluded from the annual diversity lottery. Because there is a separate determination made before each annual DV entry period, the list of countries whose natives do not qualify may change from one year to the next.

#### **5. WHAT IS THE NUMERICAL LIMIT FOR DV-2006?**

By law, the U.S. diversity immigration program makes available a maximum of 55,000 permanent residence visas each year to eligible persons. However, the Nicaraguan Adjustment and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulates that beginning as early as DV-99, and for as long as necessary, 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. The actual reduction of the limit to 50,000 began with DV-2000 and remains in effect for the DV-2006 program.

#### **6. WHAT ARE THE REGIONAL DIVERSITY VISA (DV) LIMITS FOR DV-2006?**

The U.S. Citizenship and Immigration Services (USCIS) determines the DV regional limits for each year according to a formula specified in Section 203(c) of the Immigration and Nationality Act (INA). Once the USCIS has completed the calculations, the regional visa limits will be announced.

#### **7. WHEN WILL ENTRIES FOR THE DV-2006 PROGRAM BE ACCEPTED?**

The DV-2006 entry period will begin on noon EST Friday, November 5, 2004 and will last for 63 days through noon EST Friday, January 7, 2005. Each year millions apply for the program during the registration period. The massive volume of entries creates an enormous amount of work in selecting and processing successful applicants. Holding the entry period during November and December will ensure successful applicants are notified in a timely manner, and provides both the applicants and our embassies and consulates time to prepare and complete entries for visa issuance. Applicants are strongly encouraged to enter early in the registration period. Excessive demand at end of the registration period may slow the system down. No entries whatsoever will be accepted after noon EST Friday, January 7, 2005.

#### **8. MAY PERSONS WHO ARE IN THE U.S. APPLY FOR THE PROGRAM?**

Yes, an applicant may be in the U.S. or in another country, and the entry may be submitted from the U.S. or from abroad.

#### **9. IS EACH APPLICANT LIMITED TO ONLY ONE ENTRY DURING THE ANNUAL DV REGISTRATION PERIOD?**

Yes, the law allows only one entry by or for each person during each registration period; applicants for whom more than one entry is submitted will be disqualified. The Department of State will employ sophisticated technology and other means to identify individuals that submit multiple entries during the registration period. Applicants submitting more than one entry will be disqualified and an electronic record will be permanently maintained by the Department of State. Applicants may apply for the program each year during the regular registration period.

#### **10. MAY A HUSBAND AND A WIFE EACH SUBMIT A SEPARATE ENTRY?**

Yes, a husband and a wife may each submit one entry if each meets the eligibility requirements. If either were selected, the other would be entitled to derivative status.

#### **11. WHAT FAMILY MEMBERS MUST I INCLUDE ON MY DV ENTRY?**

On your entry you must list your spouse, that is husband or wife, and all unmarried children under 21 years of age, with the exception of children who are already U.S. citizens or Legal Permanent Residents. You must list your spouse even if you are currently separated from him/her, unless you are legally separated (i.e. there is a written agreement recognized by a court or a court order.) If you are legally separated or divorced, you do not need to list your former spouse. You must list ALL your children who are unmarried and under 21 years of age, whether they are your natural children, your spouse's children, or children you have formally adopted in accordance with the laws of your country, unless such child is already a U.S. citizen or Legal Permanent Resident. List all children under 21 years of age even if they no longer reside with you or you do not intend for them to immigrate under the DV program.

The fact that you have listed family members on your entry does not mean that they later must travel with you. They may choose to remain behind. However, if you include an eligible dependent on your visa application forms that you failed to include on your original entry, your case will be disqualified. (This only applies to persons who were dependents at the time the original application was submitted, not those acquired at a later date.) Your spouse may still submit a separate entry, even though he or she is listed on your entry, as long as both entries include details on all dependents in your family. See question 10 above.

#### **12. MUST EACH APPLICANT SUBMIT HIS/HER OWN ENTRY, OR MAY SOMEONE ACT ON BEHALF OF AN APPLICANT?**

Applicants may prepare and submit their own entries, or have someone submit the entry for them. Regardless of whether an entry is submitted by the applicant directly, or assistance is provided by an attorney, friend, relative, etc., only one entry may be submitted in the name of each person. If the entry is selected, the notification letter will be sent only to the mailing address provided on the entry.

#### **13. WHAT ARE THE REQUIREMENTS FOR EDUCATION OR WORK EXPERIENCE?**

The law and regulations require that every applicant must have at least a high school education or its equivalent or, within the past five years, have two years of work experience in an occupation requiring at least two years training or experience. A "high school education or equivalent" is defined as successful completion of a twelve-year course of elementary and secondary education in the United States or successful completion in another country of a formal course of elementary and secondary education comparable to a high school education in the United States. Documentary proof of education or work experience should not be submitted with the lottery entry, but must be presented to the consular officer at the time of the visa interview. To determine eligibility based on work experience, definitions from the Department of Labor's O\*Net OnLine database will be used.

#### **14. HOW WILL SUCCESSFUL ENTRANTS BE SELECTED?**

At the Kentucky Consular Center, all entries received from each region will be individually numbered. After the end of the registration period, a computer will randomly select entries from among all the entries received for each geographic region. Within each region, the first entry randomly selected will be the first case registered, the second entry selected the second registration, etc. All entries received during the registration period will have an equal chance of being selected within each region. When an entry has been selected, the applicant will be sent a notification letter by the Kentucky Consular Center, which will provide visa application instructions. The Kentucky Consular Center will continue to process the case until those who are selected are instructed to appear for visa interviews at a U.S. consular office, or until those able to do so apply at a USCIS office in the United States for change of status.

#### **15. MAY WINNING APPLICANTS ADJUST THEIR STATUS WITH USCIS?**

Yes, provided they are otherwise eligible to adjust status under the terms of Section 245 of the INA, selected applicants who are physically present in the United States may apply to the U.S. Citizenship and Immigration Services (USCIS) for adjustment of status to permanent resident. Applicants must ensure that USCIS can complete action on their cases, including processing of any overseas derivatives, before September 30, 2006, since on that date registrations for the DV-2006 program expire. No visa numbers for the DV-2006 program will be available after midnight on September 30, 2006 under any circumstances.

**16. WILL APPLICANTS WHO ARE NOT SELECTED BE INFORMED?**

No, applicants who are not selected will receive no response to their entry. Only those who are selected will be informed. All notification letters are sent within about five to seven months from the end of the application period to the address indicated on the entry. Since there is no notification provided to those not selected, anyone who does not receive a letter about five to seven months from the end of the registration period should assume that his/her application has not been selected.

**17. HOW MANY APPLICANTS WILL BE SELECTED?**

There are 50,000 DV visas available for DV-2006, but more than that number of individuals will be selected. Because it is likely that some of the first 50,000 persons who are selected will not qualify for visas or pursue their cases to visa issuance, more than 50,000 entries will be selected by the Kentucky Consular Center to ensure that all of the available DV visas are issued. However, this also means that there will not be a sufficient number of visas for all those who are initially selected. All applicants who are selected will be informed promptly of their place on the list. Interviews with those selected will begin in early October 2005. The Kentucky Consular Center will send appointment letters to selected applicants four to six weeks before the scheduled interviews with U.S. consular officers at overseas posts. Each month visas will be issued, visa number availability permitting, to those applicants who are ready for issuance during that month. Once all of the 50,000 DV visas have been issued, the program for the year will end. In principle, visa numbers could be finished before September 2006. Selected applicants who wish to receive visas must be prepared to act promptly on their cases. Random selection by the Kentucky Consular Center computer does not automatically guarantee that you will receive a visa.

**18. IS THERE A MINIMUM AGE FOR APPLICANTS TO APPLY FOR THE DV PROGRAM?**

There is no minimum age to apply for the program, but the requirement of a high school education or work experience for each principal applicant at the time of application will effectively disqualify most persons who are under age 18.

**19. ARE THERE ANY FEES FOR THE DV PROGRAM?**

There is no fee for submitting an entry. A special DV case processing fee will be payable later by persons whose entries are actually selected and processed at a U.S. consular section for this year's program. DV applicants, like other immigrant visa applicants, must also pay the regular visa fees at the time of visa application. Details of required fees will be included with the instructions sent by the Kentucky Consular Center to applicants who are selected.

**20. ARE DV APPLICANTS SPECIALLY ENTITLED TO APPLY FOR A WAIVER OF ANY OF THE GROUNDS OF VISA INELIGIBILITY?**

No. Applicants are subject to all grounds of ineligibility for immigrant visas specified in the Immigration and Nationality Act. There are no special provisions for the waiver of any ground of visa ineligibility other than those ordinarily provided in the Act.

**21. MAY PERSONS WHO ARE ALREADY REGISTERED FOR AN IMMIGRANT VISA IN ANOTHER CATEGORY APPLY FOR THE DV PROGRAM?**

Yes, such persons may apply for the DV program.

**22. HOW LONG DO APPLICANTS WHO ARE SELECTED REMAIN ENTITLED TO APPLY FOR VISAS IN THE DV CATEGORY?**

Persons selected in the DV-2006 lottery are entitled to apply for visa issuance only during fiscal year 2006, i.e., from October 2005 through September 2006. Applicants must obtain the DV visa or adjust status by the end of the Fiscal Year (September 30, 2006). There is no carry-over of DV benefits into the next year for persons who are selected but who do not obtain visas during FY-2006. Also, spouses and children who derive status from a DV-2006 registration can only obtain visas in the DV category between October 2005 and September 2006. Applicants who apply overseas will receive an appointment letter from the Kentucky Consular Center four to six weeks before the scheduled appointment.

**23. WHEN WILL E-DV ONLINE BE AVAILABLE?**

Online entry will become available at 12:00 pm EST (GMT-5) on November 5, 2004 and will end at 12:00 pm EST (GMT-5) on January 7, 2005.

**24. WILL I BE ABLE TO DOWNLOAD AND SAVE THE E-DV ENTRY FORM TO A MICROSOFT WORD PROGRAM (OR OTHER SUITABLE PROGRAM) AND THEN FILL IT OUT?**

No, you will not be able to save the form into another program for completion and submission later. The E-DV Entry Form is a Web form only. This makes it more "universal" than a proprietary word processor format. Additionally, it does require that the information be filled in and submitted while on-line.

**25. IF I DON'T HAVE ACCESS TO A SCANNER, CAN I SEND PHOTOS TO MY RELATIVE IN THE U.S. TO SCAN THE PHOTOS, SAVE THE PHOTOS TO A DISKETTE, AND THEN MAIL THE DISKETTE BACK TO ME TO APPLY?**

Yes, this can be done as long as the photo meets the photo requirements in the instructions, and the photo is electronically submitted with, and at the same time the E-DV online entry is submitted. The applicant must already have the scanned photo file when they submit the entry on-line. The photo cannot be submitted separate from the online application. Only one on-line entry by or for each person can be submitted. Multiple submissions will disqualify the entry for that person for DV-2006. The entire entry (photo and application together) can be submitted electronically from the United States.

**26. CAN I SAVE THE FORM ON-LINE SO THAT I CAN FILL OUT PART AND THEN COME BACK LATER AND COMPLETE THE REMAINDER?**

No, this cannot be done. The E-DV Entry Form is designed to be completed and submitted at one time. However, because the form is in two parts, and because of possible network interruptions and delays, the E-DV system is designed to handle up to sixty (60) minutes between downloading of the form and when the entry is received at the E-DV web site after being submitted online. If more than sixty minutes elapses, and the entry has not been electronically received, the information received so far is discarded. This is done so that there is no possibility that a full entry could accidentally be interpreted as a duplicate of a previous partial entry. For example, suppose an applicant with a wife and child sends a filled in E-DV Entry Form Part One and then receives Form Part Two, but there is a delay before sending Part Two because of trouble finding the file which holds the child's photograph. If the filled in Form Part Two is sent by the applicant and

received by the E-DV website within sixty (60) minutes then there is no problem, but if the Form Part Two is received after sixty (60) minutes has elapsed then the applicant will be informed that they need to start over for the entire entry. The DV-2006 instructions explain clearly and completely what information needs to be gathered to fill in the form. This way you can be fully prepared, making sure you have all of the information needed, before you start to complete the form on-line.

**27. IF THE SUBMITTED DIGITAL IMAGES DO NOT CONFORM TO THE SPECIFICATIONS, THE PROCEDURES STATE THAT THE SYSTEM WILL AUTOMATICALLY REJECT THE E-DV ENTRY FORM AND NOTIFY THE SENDER. DOES THIS MEAN I WILL BE ABLE RE-SUBMIT MY ENTRY?**

Yes, the entry can be resubmitted. Since the entry was automatically rejected it was not actually considered as submitted to the E-DV website. It does not count as a submitted E-DV entry, and no confirmation notice of receipt is sent. If there are problems with the digital photograph sent because it does not conform to the requirements, it is automatically rejected by the E-DV website. However, the amount of time it takes the rejection message to reach the sender is unpredictable due to the nature of the Internet. If the problems can be fixed by the applicant, and the Form Part One or Two re-sent within sixty (60) minutes then there is no problem. Otherwise the submission process will have to be started over. An applicant can try to submit an application as many times as is necessary until a complete application is received and the confirmation notice sent.

**28. WILL THE ELECTRONIC CONFIRMATION NOTICE THAT THE COMPLETED E-DV ENTRY FORM HAS BEEN RECEIVED THROUGH THE ONLINE SYSTEM BE SENT IMMEDIATELY AFTER SUBMISSION?**

The response from the E-DV website which contains confirmation of the receipt of an acceptable E-DV Entry Form is sent by the E-DV website immediately, but how long it takes the response to reach the sender is unpredictable due to the nature of the Internet. If many minutes have elapsed since pressing the 'Submit' button there is no harm in pressing the 'Submit' button a second time. The E-DV system will not be confused by a situation where the 'Submit' button is hit a second time because no confirmation response has been received. An applicant can try to submit an application as many times as is necessary until a complete application is received and the confirmation notice sent